

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/092,178  
Applicants : Teng Pin Poo et al.  
Filed : March 5, 2002  
Art Unit : 2182  
Examiner : Il Woo Park  
Confirm. No. : 7556

Docket No. : 1601457-0013  
Customer No. : 007470

**Mail Stop Appeal Brief – Patents**

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Date: 11/02/2009

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**REPLY BRIEF**

This is a reply brief pursuant to 37 C.F.R. § 41.41 in response to the Examiner's Answer, dated September 1, 2009, in the above-identified application. The rejected claims are reproduced in Appendix A.

Appellants believe that there is no fee for filing this reply brief. However, the Commissioner is hereby authorized to charge any required fees in connection with this reply brief to White & Case's Deposit Account No. 50-3672.

## **GROUND OF REJECTION TO BE REVIEWED**

1. The rejection of claims 1-4, 9, 12, and 13 as unpatentable under 35 U.S.C. §103(a) over Japanese Patent Application Publication 2002-232769 to Gotanda in view of Japanese Patent No. H11-53060 to Tosaka
2. The rejection of claims 15 and 19 as unpatentable under 35 U.S.C. § 103(a) over Gotanda in view of Tosaka and further in view of U.S. Patent No. 6,992,721 to Kambayashi et al.
3. The rejection of claim 14 as unpatentable under 35 U.S.C. § 103(a) over U.S. Patent Application Publication 2003/0122839 to Matraszek et al. in view of Tosaka.
4. The rejection of claims 15-22 as unpatentable under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.
5. The rejection of claim 8 as unpatentable under 35 U.S.C. §103(a) over Gotanda in view of Tosaka and further in view of U.S. Patent No. 6,753,921 to Shimizu.
6. The rejection of claims 5-7 as unpatentable under 35 U.S.C. § 103(a) over Gotanda in view of Tosaka and further in view of knowledge of one of ordinary skill in the art.

## **RESPONSE TO EXAMINER'S ARGUMENTS**

### **1. Rejection of claims 1-4, 9, 12, and 13 under 35 U.S.C. § 103(a)**

The Examiner maintains the rejection of claims 1-4, 9, 12, and 13 as unpatentable under 35 U.S.C. § 103(a) over Japanese Patent Application Publication 2002-232769 to Gotanda in view of Japanese Patent No. H11-53060 to Tosaka. Appellants respectfully traverse.

Claim 1 recites “a microprocessor for at least in part formatting said image and/or audio information in a standard image and/or audio file format compatible with the host platform.” This microprocessor is an element separate from the recited “digital camera”

element. The Examiner cited to the CPU 48 of Gotanda as disclosing the microprocessor of claim 1. But the CPU 48 of Gotanda is the CPU of the digital camera 2: “CPU 48 which controls digital camera 2 whole.” (Gotanda, paragraph [0023]). Thus CPU 48 is not a microprocessor separate from the digital camera.

On page 16 of the Answer, the Examiner also points to the picture processing circuit 65 and the compression extension processing circuit 66. While paragraph [0027] of Gotanda discloses that the picture signal processing circuit 65 converts image data and the compression extension processing circuit 66 compresses image data, there is no indication in Gotanda that the picture signal processing circuit 65 or the compression extension processing circuit 66 is a microprocessor. Thus Gotanda does not teach or disclose the microprocessor recited in claim 1.

Claims 1 and 12 recite a portable camera device having a housing and “a USB plug integrally adapted to the housing to facilitate direct coupling of the portable camera device via the USB plug to a USB socket of a host computer.” On page 17 of the Answer, the Examiner points to the abstract of Tosaka as disclosing that the camera unit can be attached to a computer directly without any cable or with a cable, and that the interface of the camera can be USB. However, paragraph [0011] of Tosaka states that FIG. 3 “is a case where USB is used for the interface of a camera,” and FIG. 3 shows a printer and a keyboard attached to the computer with a cable. FIG. 4 shows the camera connected to a computer with a cable. FIG. 1 of Tosaka shows that the camera 2 is directly connected to the notebook computer 1, but the figure does not show how the camera is connected to the computer and paragraph [0009] of Tosaka, which discusses FIG. 1, does not mention a USB connection between the camera and the computer. The only disclosure in Tosaka of a USB connection between the camera and a

computer includes a cable connection. Appellants respectfully submit that there is no disclosure in Tosaka of directly connecting a USB plug of a camera device to a host computer.

Neither Gotanda nor Tosaka, alone or in combination, teaches or discloses all of the elements of claims 1 and 12. Appellants respectfully submit that claims 1 and 12 are not obvious in view of the cited references and are in condition for allowance. Claims 2-4, 9, and 13 depend from claims 1 and 12, and are therefore allowable for at least the same reasons.

**2. Rejection of claims 15 and 19 under 35 U.S.C. § 103(a)**

The Examiner maintains the rejection of claims 15 and 19 as unpatentable under 35 U.S.C. §103(a) over Gotanda in view of Tosaka and further in view of U.S. Patent No. 6,992,721 to Kambayashi et al. Appellants respectfully traverse.

Claims 15 and 19 recite “a microprocessor for at least in part formatting said image and/or audio information in a standard image and/or audio file format compatible with the host platform.” This microprocessor is an element separate from the recited “digital camera” element. The Examiner cited to the CPU 48 of Gotanda as disclosing the microprocessor of claims 15 and 19. But the CPU 48 of Gotanda is the CPU of the digital camera 2: “CPU 48 which controls digital camera 2 whole.” (Gotanda, paragraph [0023]). Thus CPU 48 is not a microprocessor separate from the digital camera.

On page 16 of the Answer, the Examiner also points to the picture processing circuit 65 and the compression extension processing circuit 66. While paragraph [0027] of Gotanda discloses that the picture signal processing circuit 65 converts image data and the compression extension processing circuit 66 compresses image data, there is no indication in Gotanda that the picture signal processing circuit 65 or the compression extension processing

circuit 66 is a microprocessor. Thus Gotanda does not teach or disclose the microprocessor recited in claims 15 and 19.

Claims 15 and 19 recite “a USB plug integrally adapted to the housing of the portable camera device to facilitate direct coupling of the portable camera device via the USB plug to a USB socket of the host platform.” On page 17 of the Answer, the Examiner points to the abstract of Tosaka as disclosing that the camera unit can be attached to a computer with a cable or directly without any cable, and that the interface of the camera can be USB. However, paragraph [0011] of Tosaka states that FIG. 3 “is a case where USB is used for the interface of a camera,” and FIG. 3 shows a printer and a keyboard attached to the computer with a cable. FIG. 4 shows the camera connected to a computer with a cable. FIG. 1 of Tosaka shows that the camera 2 is directly connected to the notebook computer 1, but the figure does not show how the camera is connected to the computer and paragraph [0009] of Tosaka, which discusses FIG. 1, does not mention a USB connection between the camera and the computer. The only disclosure in Tosaka of a USB connection between the camera and a computer includes a cable connection. Appellants respectfully submit that there is no disclosure in Tosaka of directly connecting a USB plug of a camera device to a host computer.

Claim 15 recites that “the portable camera device is capable of being directly plugged into a USB port located on the side of the keyboard section of a notebook computer sitting on a flat surface without having to elevate the keyboard section from the flat surface” and claim 19 recites that “the portable camera device is capable of being directly plugged into a USB port located on the side of the keyboard section of a notebook computer sitting on a flat surface such that there is a space between the body of the portable camera device and the flat surface.”

On page 18 of the Answer, the Examiner maintains that Kambayashi discloses these limitations. The Examiner stated that if “the stands 270 of the portable camera are retracted towards the anchor 210, there should be a space between the flat surface and the portable computer.” But as Appellants pointed out in the Appeal Brief, the stand 270 of Kambayashi is intended to be in contact with a surface (footprint P) when connected to a notebook computer. (Kambayashi, col. 7, lines 1-7). If Kambayashi’s camera was capable of being directly plugged into a computer without touching the flat surface, stand 270 would be completely unnecessary. Kambayashi teaches that stand 270 “may reduce stress arising in connector 250” (col. 7, lines 14-15), which teaches away from a portable camera device that is not supported by a stand.

Thus Kambayashi does not disclose a portable camera device that is capable of being directly plugged into a USB port located on the side of the keyboard section of a notebook computer sitting on a flat surface such that there is a space between the body of the portable camera device and the flat surface. Similarly, Kambayashi does not teach or disclose a portable camera device capable of being directly plugged into a USB port located on the side of the keyboard section of a notebook computer sitting on a flat surface without having to elevate the keyboard section from the flat surface.

Neither Gotanda, Tosaka, nor Kambayashi, alone or in combination, teaches or discloses all of the elements of claims 15 and 19. Appellants respectfully submit that claims 15 and 19 are not obvious in view of the cited references and are in condition for allowance.

**3. Rejection of claim 14 under 35 U.S.C. § 103(a)**

The Examiner maintains the rejection of claim 14 as unpatentable under 35 U.S.C. § 103(a) over U.S. Patent Application Publication 2003/0122839 to Matraszek et al. in view of Tosaka. Appellants respectfully traverse.

Claim 14 recites a method of authenticating an operator seeking access to information on a storage medium, including “allowing access to the information if the image and/or audio identification data matches the stored template.” Access to the information is allowed if the image and/or audio identification data matches the stored template.

On page 18 of the Answer, the Examiner argues that Matraszek discloses allowing access to information if an image of a user matches a stored template. But Matraszek does not teach that any information on home computer 10 is restricted without providing image data that matches a stored template. The captured image in Matraszek is used to “determine the user, and provide an appropriate user identifier” (paragraph [0067]). However, Matraszek requires the user to enter a password in addition to a user identifier: “the user enters their personal ID and password” (paragraph [0067]); “the user is asked to enter their personal ID and password” (paragraph [0095]). Because Matraszek’s system requires both a personal ID and a password, it does not allow access to information if image identification data matches a stored template. Matraszek does not disclose comparing a captured image of the user’s face to a template stored in memory to allow access to information on a storage medium if the captured image matches the template.

Claim 14 also recites a digital camera “having a housing and a USB plug integrally adapted to the housing to facilitate direct coupling of the digital camera via the USB plug to a USB socket of a host platform.” As set forth above regarding claims 1 and 12, paragraph [0011] of Tosaka states that FIG. 3 “is a case where USB is used for the interface of a camera,” and FIG. 3 shows a printer and a keyboard attached to the computer with a cable. FIG. 4 shows the camera connected to a computer with a cable. FIG. 1 of Tosaka shows that the camera 2 is directly connected to the notebook computer 1, but the figure does not show how the

camera is connected to the computer and paragraph [0009] of Tosaka, which discusses FIG. 1, does not mention a USB connection between the camera and the computer. The only disclosure in Tosaka of a USB connection between the camera and a computer includes a cable connection. Appellants respectfully submit that there is no disclosure in Tosaka of directly connecting a USB plug of a camera device to a host computer.

Neither Matraszek nor Tosaka, alone or in combination, teach or disclose all of the limitations of claim 14. Appellants respectfully submit that claim 14 is not obvious in view of the cited references and is in condition for allowance.

#### **4. Rejection of claims 15-22 under 35 U.S.C. § 112, first paragraph**

The Examiner maintains the rejection of claims 15-22 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Appellants respectfully traverse.

To comply with § 112, first paragraph, “the disclosure need only reasonably convey to persons skilled in the art that the inventor had possession of the subject matter in question.” *Fujikawa v. Wattanasin*, 93 F.3d 1159, 1570 (Fed. Cir. 1996); *Fiers v. Revel*, 984 F.2d 1164, 1170 (Fed. Cir. 1993); *In re Kaslow*, 707 F.2d 1366, 1375 (Fed. Cir. 1983); *see also Vas-Cath v. Mahurkar*, 935 F.2d 1555, 1563-64 (Fed. Cir. 1991). “The [Federal Circuit] and its predecessor have repeatedly held that claimed subject matter ‘need not be described *in haec verba*’ in the specification to satisfy the written description requirement.” *Univ. of Rochester v. G.D. Searle & Co.*, 358 F.3d 916, 922-23 (Fed. Cir. 2004). When the express or inherent support in the specification is not present, implicit support in the disclosure will suffice. *See* MPEP 2163(I)(B) (8th ed., Sept. 2007) (“While there is no *in haec verba* requirement, newly added claim limitations must be supported in the specification through express, implicit, or inherent



disclosure.”). Particularly, drawings alone can be sufficient to provide the written description of the invention. *Vas-Cath*, 935 F.2d at 1564.

#### Reliance on FIG. 2A

On page 13 of the Answer, the Examiner states that because FIG. 2A was not part of the originally-filed application it cannot be relied upon to support claims 15-22. While the sufficiency of an application under § 112, first paragraph, must be judged as of the filing date,<sup>1</sup> Appellants do not rely solely upon FIG. 2A as providing the written description for claims 15-22 and the addition of FIG. 2A did not introduce any new matter into Appellants’ disclosure.

FIG. 2, which was part of the as-filed application, shows that the USB plug 118 is an integral part of the portable camera device 170. Page 14, lines 23-24 of the as-filed specification states that in the FIG. 2 embodiment “USB connector 118 couples directly to the USB port of host platform 195.” FIGS. 3 and 4, part of the as-filed application, disclose that a host platform can be a notebook computer. Taking the disclosures of FIGS. 2, 3, and 4 and page 14 of the as-filed specification together provides written description for the limitation of a USB plug that allows the portable camera device 170 to be directly plugged into a USB port on the side of the keyboard section of a notebook computer. The combination of these disclosures is more explicitly shown in FIG. 2A, but these disclosures were certainly present in the as-filed application.

Also, the Examiner has never objected, and in fact does not now object, that the addition of FIG. 2A to the application introduced new matter. Since the disclosure in FIG. 2A is

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<sup>1</sup> *Vas-Cath*, 935 F.2d at 1566 (citing *United States Steel Corp. v. Phillips Petroleum Co.*, 865 F.2d 1247, 1251 (Fed. Cir. 1989)).

supported by the as-filed specification as demonstrated above, FIG. 2A itself can be relied upon to provide written description for claims 15-22.

Support for Ranges Recited in Claims 16, 18, 20, and 22.

On page 14 of the Answer, the Examiner states that there is no disclosure in the application that supports that the “single ratio value” shown in FIGS. 2 and 2A has a range of values. But the Federal Circuit has found that a drawing can support a claim reciting a range of values. *Vas-Cath*, 935 F.2d at 1566.

FIG. 2 would convey to one of ordinary skill in the art the ranges recited in claims 16, 18, 20, and 22. While not an “actual size” representation, FIG. 2 shows the relative sizes of the USB plug 118 and the housing of the portable camera device 170. FIG. 2 shows that the width of the housing is between 1 and 1.5 times the width of the USB plug 118 as recited in claims 16 and 20, and that the length of the housing is between 3.5 and 4 times the length of the USB plug 118 as recited in claims 18 and 22. If one were to measure the width of the USB plug 118 and the housing (i.e., the shorter dimension of the face of the housing that includes the optical lens 154) in FIG. 2, one would see that the width of USB plug 118 is approximately 18 mm, and the width of the housing is approximately 26 mm, which is between 1 and 1.5 times the width of the USB plug 118. Also, if one were to measure the length of the USB plug 118 and the housing (i.e., the longer dimension of the face of the housing that includes the image capture button 169) in FIG. 2, one would find that the length of the USB plug 118 is approximately 22 mm and the length of the housing is approximately 80 mm, which is between 3.5 and 4 times the length of the USB plug 118. Thus, FIG. 2 provides the written description of the invention as recited in claims 16, 18, 20, and 22.

### Support for Claims 15 and 19

On page 15 of the Answer, the Examiner disagrees that FIG. 2A supports the limitation that “the portable camera device is capable of being directly plugged into a USB port located on the side of the keyboard section of a notebook computer sitting on a flat surface without having to elevate the keyboard section from the flat surface” of claim 15 and the limitation that “the portable camera device is capable of being directly plugged into a USB port located on the side of the keyboard section of a notebook computer sitting on a flat surface such that there is a space between the body of the portable camera device and the flat surface” recited in claim 19.

FIG. 2A shows the portable camera device 170 directly connected to the USB port of a notebook computer 195. FIG. 2A clearly shows that there is a space between the body of the portable camera device 170 and a flat surface that the notebook computer 195 is sitting on. Thus, FIG. 2A provides the written description of the above-identified limitations recited in claims 15 and 19.

Since the drawings of the application convey the limitations set forth above, Appellants respectfully submit that claims 15-22 comply with the written description requirement of §112, first paragraph and are in condition for allowance.

### **5. Rejection of claim 8 under 35 U.S.C. § 103(a)**

The Examiner maintains the rejection of claim 8 as unpatentable under 35 U.S.C. §103(a) over Gotanda in view of Tosaka and further in view of U.S. Patent No. 6,753,921 to Shimizu. Appellants respectfully traverse.

Claim 8 depends from claim 1, and is therefore allowable for at least the same reasons.

**6. Rejection of claims 5-7 under 35 U.S.C. § 103(a)**

The Examiner maintains the rejection of claims 5-7 as unpatentable under 35 U.S.C. § 103(a) over Gotanda in view of Tosaka and further in view of knowledge of one of ordinary skill in the art. Appellants respectfully traverse.

Claims 5-7 depend from claim 1, and are therefore allowable for at least the same reasons.

**CONCLUSION**

For the foregoing reasons, Appellants respectfully submit that the pending claims are in condition for allowance.

Respectfully submitted,

Dated: November 2, 2009

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## **APPENDIX A: CLAIMS APPENDIX**

1. A portable camera device capable of operation with a host platform, the portable camera device comprising:
  - a housing;
  - a USB plug integrally adapted to the housing of the portable camera device to facilitate direct coupling of the portable camera device via the USB plug to a USB socket of the host platform;
  - a non-volatile memory in communication with said USB plug;
  - a digital camera, integrally formed with said non-volatile memory, for capturing image and/or audio information, said non-volatile memory capable of storing said image and/or audio information; and
  - a microprocessor for at least in part formatting said image and/or audio information in a standard image and/or audio file format compatible with the host platform.
2. A portable camera device as recited in claim 1, said non-volatile memory comprising flash memory.
3. A portable camera device as recited in claim 1, said USB plug capable of coupling to a USB port of the host platform.
4. A portable camera device as recited in claim 1, said standard image and/or audio file format comprising a JPEG file format.
5. A portable camera device as recited in claim 1, said standard image and/or audio file format comprising a GIF file format.

6. A portable camera device as recited in claim 1, said standard image and/or audio file format comprising a PICT II file format.
7. A portable camera device as recited in claim 1, said standard image and/or audio file format comprising an MPEG file format.
8. A portable camera device as recited in claim 1, further comprising a power supply circuit for receiving power from the host platform and providing said power to components of the portable camera device.
9. A portable camera device as recited in claim 1, further comprising a power source for providing power to components of the portable camera device.
10. (canceled)
11. (canceled)
12. A method of capturing image and/or audio information and uploading the image and/or audio information to a host platform, comprising the steps of:
  - (a) capturing image and/or audio data using a portable camera device, said portable camera device having a housing and a USB plug integrally adapted to the housing to facilitate direct coupling of the portable camera device via the USB plug to a USB socket of the host platform;
  - (b) digitizing said image and/or audio data captured in said step (a);
  - (c) processing said image and/or audio data digitized in said step (b) into a form compatible with the host platform; and

- (d) uploading said image and/or audio data from the portable camera device to the host platform via a coupling of the USB plug to a USB socket of the host platform.
13. A method of capturing image and/or audio information as recited in claim 12, further comprising a step (e) of storing said image and/or audio data in a volatile memory.
14. A method of authenticating an operator seeking access to information on a storage medium, comprising the steps of:
- (a) capturing image and/or audio identification data via a digital camera, said digital camera having a housing and a USB plug integrally adapted to the housing to facilitate direct coupling of the digital camera via the USB plug to a USB socket of a host platform;
  - (b) comparing at least portions of said image and/or audio identification data against a template stored in a memory; and
  - (c) allowing access to the information if the image and/or audio identification data matches the stored template upon comparison in said step (b).
15. A portable camera device capable of operation with a host platform, the portable camera device comprising:
- a housing;
  - a USB plug integrally adapted to the housing of the portable camera device to facilitate direct coupling of the portable camera device via the USB plug to a USB socket of the host platform;
  - a non-volatile memory in communication with said USB plug;

a digital camera, integrally formed with said non-volatile memory, for capturing image and/or audio information, said non-volatile memory capable of storing image and/or audio information; and

a microprocessor for at least in part formatting said image and/or audio information in a standard image and/or audio file format compatible with the host platform;

wherein the housing of the portable camera device and the USB plug are configured such that the portable camera device is capable of being directly plugged into a USB port located on the side of the keyboard section of a notebook computer sitting on a flat surface without having to elevate the keyboard section from the flat surface.

16. The portable camera device of claim 15 further wherein:  
the width of said housing is between 1 and 1.5 times the width of said USB plug; and  
the length of said housing is between 3.5 and 4 times the length of said USB plug.
17. The portable camera device as recited in claim 15, wherein:  
said housing comprises 2 sets of substantially parallel faces substantially orthogonal to each other.
18. The portable camera device as recited in claim 17, wherein:  
the width of one of the sets of the substantially parallel faces is between 1 and 1.5 times the width of said USB plug; and  
the length of the other set of substantially parallel faces is between 3.5 and 4 times the length of said USB plug.



19. A portable camera device capable of operation with a host platform, the portable camera device comprising:
- a housing;
  - a USB plug integrally adapted to the housing of the portable camera device to facilitate direct coupling of the portable camera device via the USB plug to a USB socket of the host platform;
  - a non-volatile memory in communication with said USB plug;
  - a digital camera, integrally formed with said non-volatile memory, for capturing image and/or audio information, said non-volatile memory capable of storing image and/or audio information; and
  - a microprocessor for at least in part formatting said image and/or audio information in a standard image and/or audio file format compatible with the host platform;
- wherein the body of the portable camera device and the USB plug are configured such that the portable camera device is capable of being directly plugged into a USB port located on the side of the keyboard section of a notebook computer sitting on a flat surface such that there is a space between the body of the portable camera device and the flat surface.
20. The portable camera device as recited in claim 19, wherein:
- the width of said housing is between 1 and 1.5 times the width of said USB plug; and
  - the length of said housing is between 3.5 and 4 times the length of said USB plug.
21. The portable camera device of claim 19 further wherein:
- said housing comprises 2 sets of substantially parallel faces substantially orthogonal to each other.

22. The portable camera device as recited in claim 21, wherein:
- the width of one of the sets of the substantially parallel faces is between 1 and 1.5 times the width of said USB plug; and
  - the length of the other set of substantially parallel faces is between 3.5 and 4 times the length of said USB plug.